

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>Criminal No. 11-572</b>
<b>DARRYL PURFIELD</b>	:	

---

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>Criminal No. 11-574</b>
<b>MICHAEL HOMER</b>	:	

---

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>Criminal No. 11-575</b>
<b>JEFFREY LYNN FORBES</b>	:	

---

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>Criminal No. 11-576</b>
<b>THOMAS ALFRED LEES</b>	:	

---

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>Criminal No. 11-578</b>
<b>THEODORE BATTISTA</b>	:	

---

**UNITED STATES OF AMERICA** :

**v.** : **Criminal No. 11-585**

**WILLIAM BRIAN SUMMERS** :

---

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2012, upon consideration of the Government's Motion for Status Report in the above-listed cases, it is hereby

**ORDERED**

that the motion is granted, and that the defendants in the above-listed cases, must notify this Court by June 22, 2012 whether they intend to execute a Consent to Proceed Before a Magistrate Judge in a Misdemeanor Case and whether they intend to proceed to trial or to plead guilty. If a defendant's intention is to plead guilty, that defendant is further ordered to notify the Court by June 22, 2012 of whether he intends to file a motion, pursuant to Title 18, United States Code, Section 3607, seeking pre-judgment probation.

**BY THE COURT:**

---

**HONORABLE C. DARNELL JONES II**  
*Judge, United States District Court*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>Criminal No. 11-572</b>
<b>DARRYL PURFIELD</b>	:	

---

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>Criminal No. 11-574</b>
<b>MICHAEL HOMER</b>	:	

---

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>Criminal No. 11-575</b>
<b>JEFFREY LYNN FORBES</b>	:	

---

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>Criminal No. 11-576</b>
<b>THOMAS ALFRED LEES</b>	:	

---

<b>UNITED STATES OF AMERICA</b>	:	
<b>v.</b>	:	<b>Criminal No. 11-578</b>
<b>THEODORE BATTISTA</b>	:	

---

UNITED STATES OF AMERICA :  
v. : Criminal No. 11-585  
WILLIAM BRIAN SUMMERS :

---

**GOVERNMENT’S MOTION FOR STATUS REPORT**

The United States of America, by its undersigned attorneys, hereby respectfully moves the Court to order that the defendants in the above-listed cases notify this Court by June 22, 2012 whether they intend to execute a Consent to Proceed Before a Magistrate Judge in a Misdemeanor Case and whether they intend to proceed to trial or to plead guilty. If a defendant’s intention is to plead guilty, the government also respectfully requests that the defendant notify the Court by June 22, 2012 of whether he intends to file a motion, pursuant to Title 18, United States Code, Section 3607, seeking pre-judgment probation.

In support of this motion the government states:

1. On September 28, 2011, the United States Attorney filed 14 separate misdemeanor informations charging violations of Title 21, United States Code, Section 846 (attempted possession of oxycodone and/or fentanyl) – these cases were assigned criminal numbers as follows: United States v. William Wallace Wilson, Criminal No. 11-571; United States v. Darryl Purfield, Criminal No. 11-572; United States v. Andy Duris, Criminal No. 11-573; United States v. Michael Homer, Criminal No. 11-574; United States v. Jeffrey Lynn Forbes, Criminal No. 11-575; United States v. Thomas Alfred Lees, Criminal No. 11-576; United States v. Vincent Joseph Demsky, Criminal No. 11-577; United States v. Theodore Battista, Criminal No. 11-578; United States v. George Anthony Torres, III, Criminal No. 11-579; United States v. James Swan, Criminal No. 11-580; United States v. John Francis Shalkowski, Criminal

No. 11-581; United States v. Michael Patterson, Criminal No. 11-582; United States v. Victor Phillip, Criminal No. 11-583; and United States v. William Brian Summers, Criminal No. 11-585 (the “Boeing Misdemeanor Cases”).

2. On October 7, 2011, the government moved to consolidate the 14 Boeing Misdemeanor Cases with each other and with 23 other felony indictments for the purpose of having one Judge resolve any common motions or legal issues. On November 7, 2011, the Honorable J. Curtis Joyner, Chief District Court Judge, granted the government’s motion and ordered that the total 37 cases be consolidated for purposes of resolving common motions or legal issues, and assigned this Court to each case.

3. Since the 37 cases were consolidated, eight of the defendants among the 14 Boeing Misdemeanor Cases signed a Consent to Proceed Before a Magistrate Judge in a Misdemeanor Case, and their cases were assigned by the Honorable Carol Sandra Moore Wells, Chief Magistrate Judge, to the Honorable Timothy R. Rice. Those eight cases are: United States v. William Wallace Wilson, Criminal No. 11-571; United States v. Andy Duris, Criminal No. 11-573; United States v. Vincent Joseph Demsky, Criminal No. 11-577; United States v. George Anthony Torres, III, Criminal No. 11-579; United States v. James Swan, Criminal No. 11-580; United States v. John Francis Shalkowski, Criminal No. 11-581; United States v. Michael Patterson, Criminal No. 11-582; and United States v. Victor Phillip, Criminal No. 11-583.

4. To date, defendants in six of the eight cases listed in paragraph 3 have plead guilty and a seventh is scheduled for a change of plea hearing. Two of the six defendants who have plead have filed motions, pursuant to Title 18, United States Code, Section 3607, seeking pre-judgment probation.

5. The Honorable Timothy R. Rice has set a consolidated hearing on the two

Section 3607 motions currently pending before him for July 11, 2012 at 9:30 a.m. The Court also has notified or will notify counsel for the other misdemeanor cases before it of that hearing date, so that they can, in a timely manner, decide if they would like to participate in the hearing and, if appropriate, plead guilty prior to that hearing, thereby taking a necessary step to making their motion ripe for consideration.

6. At the hearing on the motion, the government expects, with the Court's permission, to present approximately 5-6 witnesses whose testimony would be relevant to any of the misdemeanor defendants who decide to file a motion, pursuant to Title 18, United States Code, Section 3607, seeking pre-judgment probation.

7. Accordingly, the government respectfully requests that the defendants in the six remaining Boeing Misdemeanor Cases pending before this Court inform the Court of their intentions vis-a-vis trial versus guilty plea and, if the latter, of their intentions regarding Section 3607, so that Court resources can be most efficiently allocated.

WHEREFORE, the government respectfully requests that the Court order the defendants in the above-listed cases notify this Court by June 22, 2012 whether they intend to execute a Consent to Proceed Before a Magistrate Judge in a Misdemeanor Case and whether they intend to proceed to trial or to plead guilty. If a defendant's intention is to plead guilty, the government also respectfully requests that the defendant notify the Court by June 22, 2012 of whether he intends to file a motion, pursuant to Title 18, United States Code, Section 3607, seeking pre-judgment probation.

Respectfully,

ZANE DAVID MEMEGER  
*United States Attorney*

/s/  
FAITHE MOORE TAYLOR  
ASHLEY K. LUNKENHEIMER  
*Assistant United States Attorneys*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Status has been filed electronically on the above-listed dockets, resulting in electronic notification of the motion to any counsel who has entered an appearance in one of the above-listed cases. The Honorable Timothy R. Rice has also been notified of this motion.

/s/  
ASHLEY K. LUNKENHEIMER  
*Assistant United States Attorney*

Date: June 6, 2012